UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

BOBBIE TORRY,

Plaintiff, Case No. 05-C-528

v.

GREGORY GRAMS,

Defendant.

OPINION AND ORDER

Bobbie Torry, a prisoner in state custody, has filed a petition for a writ of habeas corpus. See 28 U.S.C. § 2254. Having reviewed the Petition, the court finds that Torry was convicted in Dane County and is incarcerated in Columbia County. Both counties are in the Western District of Wisconsin. Therefore, this court, which sits in the Eastern District of Wisconsin, does not have jurisdiction to grant relief. See 28 U.S.C. § 2241(d).

Accordingly, the court ORDERS that Torry's "Petition Under 28 U.S.C. § 2254 for Writ of Habeas Corpus by a Person in State Custody" (filed May 12, 2005) IS DENIED WITHOUT PREJUDICE and DISMISSED.

IT IS FURTHER ORDERED that Bobbie Torry's "Application to Proceed Without Prepayment of Fees" (filed May 12, 2005) IS DENIED.

IT IS FURTHER ORDERED that this action is dismissed without prejudice. See 28 U.S.C. §§ 2244(d)(1) & 2254, Rules Governing § 2254 Cases, Rule 4, 28 U.S.C. foll. § 2254.

IT IS FURTHER ORDERED that the Clerk of Court shall enter a judgment of dismissal as a separate document. See Federal Rule of Civil Procedure 58. This judgment shall provide that:

> Bobbie Torry's petition for a writ of habeas corpus came before the court, the Honorable Thomas J. Curran, District Judge, presiding, and the petition having been denied without prejudice and dismissed for lack of jurisdiction,
>
> IT IS ORDERED AND ADJUDGED
>
> that this action is dismissed without prejudice.

Done and Ordered in Chambers at the United States Courthouse, Milwaukee, Wisconsin, this 13th day of May, 2005.

s/ Thomas J. Curran
Thomas J. Curran
United States District Judge